

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**DAVID H. McCALLISTER,
TDCJ # 1666170,**

Plaintiff,

vs.

LORIE DAVIS, ET AL.,

Defendants.

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**CIVIL NO.
SA-16-CA-32-OLG**

ORDER

Before the Court is Plaintiff David H. McCallister's Motion for Extension of Time [# 27], which requests that this case be stayed until he is released from administrative segregation.

This Court entered a Show Cause Order on April 9, 2019 directing Plaintiff to show cause why his 42 U.S.C. § 1983 Civil Rights Complaint should not be dismissed as conclusory and for failure to state a non-frivolous claim. On April 18, 2019, Plaintiff filed a Motion for Extension of Time to file his amended complaint. On May 14, 2019, this Court granted the Motion for Extension of Time in part and directed Plaintiff to file his amended complaint within forty days.

Plaintiff's current Motion for Extension of Time states he is in administrative segregation without access to the TDCJ Unit law library and he requests an extension of time or a stay in this case until he is released from administrative segregation. Plaintiff fails to explain why access to the law library is necessary to file the amended complaint and appears to seek an indefinite extension. Nevertheless, the Motion for Extension of Time [# 27] is **GRANTED IN PART**, and Plaintiff is **granted thirty (30) days from the date of this order to file his amended complaint**. No further extensions shall be granted unless Plaintiff clarifies why he requires access to the law library.

The Clerk of Court shall send Plaintiff a copy of the standard § 1983 form and a copy of this Court's Show Cause Order [# 19]. Plaintiff's amended complaint shall be no more than twenty pages and the amended complaint shall supersede Plaintiff's previous complaints. *See Rolf v. City of San Antonio*, 77 F.3d 823, 826 n.1 (5th Cir. 1996).

If Plaintiff fails to file the amended complaint as ordered this case may be dismissed pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute or comply with an order of this Court. If Plaintiff does not wish to file the amended complaint as ordered, Plaintiff may voluntarily dismiss this case without prejudice pursuant to Fed. R. Civ. P. 41(a) to filing a new suit later.

IT IS SO ORDERED.

SIGNED this 18th day of July, 2019.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE